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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

HASAN RASHEED MCCAULIE,

Defendant.

CASE NO. 2:20-CR-00111-WBS

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: December 7, 2020, is not quite accurate
TIME: 10 a.m.
COURT: Hon. William B. Shubb

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order on November 30, 2020, this Court *sua sponte* set this matter for an evidentiary hearing on defendant's motion to suppress on December 7, 2020, is not quite accurate.
2. By this stipulation, defendant and the government now move to continue the hearing until December 9, 2020 at 10:00 a.m., and to exclude time between December 7, 2020, is not quite accurate, and December 9, 2020 at 10:00 a.m., under 18 U.S.C. Section 3161(h)(1)(D) and (h)(2)(3)(A).
3. The parties agree and stipulate, and request that the Court find the following:
 - a) Defendant filed a motion to suppress on October 28, 2020, and time has been excluded since that date by operation of 18 U.S.C. Section 3161(h)(1)(D).
 - b) The government inquired as to the availability of an essential witness on the date

1 that this matter was set for an evidentiary hearing, and learned that the witness was unavailable
2 on December 7, 2020. Counsel for the government met and conferred with counsel for the
3 defense and determined that December 9, 2020 was the next available date.

4 c) Based on the above-stated findings, the ends of justice served by continuing the
5 case as requested outweigh the interest of the public and the defendant in a trial within the
6 original date prescribed by the Speedy Trial Act.

7 d) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
8 et seq., within which trial must commence, the time period of December 7, 2020, is not quite
9 accurate to December 9, 2020 at 10:00 a.m., inclusive, is deemed excludable pursuant to 18
10 U.S.C. § 3161(h)(1)(D) and (h)(2)(3)(A).

11 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
12 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
13 must commence.

14 IT IS SO STIPULATED.

15 Dated: December 2, 2020

16 MCGREGOR W. SCOTT
United States Attorney

17
18 /s/ VINCENZA RABENN
VINCENZA RABENN
19 Assistant United States Attorney

20 Dated: December 2, 2020


21 /s/ NOA OREN
NOA OREN
22 Counsel for Defendant
HASAN RASHEED
23 MCCAULIE

24
25 **FINDINGS AND ORDER**

26 The statement that this court *sua sponte* set this matter for an evidentiary hearing on
27 December 7, 2020, is not quite accurate. On October 28, 2020, defendant filed his Motion to Suppress
28 Evidence and noticed it for hearing on December 7, 2020. In that motion defendant also requested an

1 evidentiary hearing. The court's Order of November 30, 2020, simply granted defendant's request to
2 allow an evidentiary hearing on the same date which defendant had already noticed the hearing. With
3 that modification, the court accepts the above Stipulation, and IT IS SO ORDERED. The Evidentiary
4 Hearing re [17] Defendant's Motion to Suppress is reset for 12/9/2020 at 10:00 AM.

5 Dated: December 3, 2020

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7 WILLIAM B. SHUBB
8 UNITED STATES DISTRICT JUDGE
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